IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.198 OF 2007

IN

SUMMARY SUIT NO.427 OF 2007

Bharti Tele-Ventures Ltd. .. Plaintiff.

Versus

Mr.Motilal Jaiswal & Anr. .. Defendants.

Mr.Sharan Jagtiani i/b.D.H.Law Associates for plaintiff.
Mr.G.D.Utangale i/b.M/s.Utangale & Co. for defendants.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 17TH JULY, 2007.

P.C.:

1. The principal amount of Rs.3.00 lacs plus interest @6%, making a total sum of Rs.3,43,500/- has been forwarded by the defendants to the plaintiff by cheque on 21st May, 2007. The cheque is not encashed.

2. Mr.Jagtiani after taking instructions from the plaintiff makes a statement that without prejudice to the rights and contentions of the plaintiff, the cheque would

be duly encashed.

3. Considering the pleas raised in the plaint and in affidavit in reply and now that the principal sum is refunded with 6% interest, in my view, no useful purpose will be served by considering the rival contentions. In any event, both sides have a version with regard to the payment being delayed. It is not possible to resolve that issue purely on affidavits.

4. Unconditional leave to defend the suit insofar as the balance claim is concerned. The suit to be transferred to the list of commercial causes. Written Statement within 8 weeks. Discovery and inspection within 8 weeks thereafter.

(S.C.Dharmadhikari, J.)